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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, PHILIP C

ART UNIT

2154

PAPER NUMBER

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/853,366

Applicant(s)

DEFOSSE ET AL.

Examiner

Philip C Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-30 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. The specification is objected to because of the following informalities and grammar errors, page 10, "System 100"[i.e. no system 100 in figure 1]. Appropriate correction is required.

#### *Claim Rejections – 35 USC 112*

4. Claims 4, 9 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Claim language in the following claims is not clearly understood:

- i. As per claim 4, line 2, it is uncertain if “the request” refers to “the at least one request” in claim 1, line 9.
- i. As per claim 9, line 2, it is unclear if “the records” refers to “records” in claim 1, line 8 or “the restructured records” in claim 1, line 12.
- ii. As per claim 27, line 2, it has the same uncertainty as in claim 9, line 2.

*Claim Rejections - 35 USC 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 21, 24, 27-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Howell et al, U.S. Patent 6,462,644 (hereinafter Howell).

5. As per claims 21 and 28, Howell taught the invention as claimed for communicating information between a network operations center and a remote device (fig. 2; col. 4, lines 11-25) comprising:

selecting records from a data block communicatively coupled to device (col. 7, lines 51-56; col. 8, lines 37-45);

restructuring the selected records according to a template (col. 8, lines 14-24);

calculating a delta between the restructured records and a stored set of records (col. 8, lines 5-8); and

transmitting the delta to the network operations center (col. 7, lines 51-56; col. 8, lines 37-45).

6. As per claim 24, Howell taught the invention as claimed in claim 21 above. Howell further taught writing the delta to a device response (col. 8, lines 5-18; col. 9, lines 37-50).

7. As per claim 27, Howell taught the invention as claimed in claim 21 above. Howell further taught comprising selecting the records from a DEX/UCS data block (col.4, lines 34-38; col. 7, lines 47-49).

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8. As per claim 30, Howell taught the invention as claimed in claim 28 above. Howell further taught comprising the remote device operable to calculate delta in response to a predetermined event (col. 7, lines 64-col. 8, lines 13).

*Claim Rejections – 35 USC 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 22-23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell.

11. As per claims 22 and 29, Howell taught the invention as claimed in claims 21 and 28 above. Although Howell taught applying a data compression algorithm to files (col. 9, lines 14-17), he did not specifically detail the use of data compression to the calculated delta. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply a compression algorithm to the calculated delta because by doing so would increase the

efficiency of Howell's system by reducing the amount of data for transmission through the network.

12. As per claim 23, although Howell taught sorting the delta by the data warehouse (col. 8, lines 14-24), he did not teach sorting the delta by the remote device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Howell's teaching to include sorting the delta by the remote device because by doing so would load balance the task of sorting from the network operations center to individual remote devices.

13. Claims 1-20 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell in view of Ciccone, Jr. et al, U.S. Patent 6,338,149 (hereinafter Ciccone).

14. As per claims 1 and 20, Howell taught the invention substantially as claimed for communicating information between a network operations center and a remote device comprising:

receiving the at least one request by the remote device (col. 7, lines 45-47; col. 8, lines 38-39);

selecting records from a data block at the remote device based upon the at least one request (col. 7, lines 51-56; col. 8, lines 37-45);

restructuring the selected records according to a template (col. 8, lines 14-24); and

transmitting the restructured records to the network operations center (col. 7, lines 51-56; col. 8, lines 37-45).



15. Howell did not teach transmitting a request from the network operations center. Ciccone taught transmitting at least one request for information from the network operations center to the remote device (col. 8, lines 58-60; col. 10, lines 12-13; col. 11, lines 29-32; col. 12, lines 23-26).

16. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Howell and Ciccone because Ciccone's method of transmitting a request from a network operations center to a remote device would increase the efficiency of Howell's system by allowing a user to operate a device at a remote location via the network.

17. As per claim 12, Howell taught the invention substantially as claimed for communicating data between a network operations center and a remote device comprising:

receiving the at least one request for data by the at least one remote device (col. 7, lines 45-47; col. 8, lines 38-39);

establishing a current state for the at least one remote device (col. 10, lines 8-20);

accessing a previous state for the at least one remote device (col. 10, lines 8-20);

calculating a delta between the current state and the previous state for the at least one remote device ( col. 8, lines 5-24);

writing the delta to a device response (col. 8, lines 5-24; col. 9, lines 37-51); and

transmitting the device response to the network operations center (col. 7, lines 51-56; col. 8, lines 37-45).

18. Howell did not teach transmitting a request from the network operations center. Ciccone taught transmitting at least one request for information from the network operations center to the remote device (col. 8, lines 58-60; col. 10, lines 12-13; col. 11, lines 29-32; col. 12, lines 23-26).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Howell and Ciccone because Ciccone's method of transmitting a request from a network operations center to a remote device would increase the efficiency of Howell's system by allowing a user to operate a device at a remote location via the network.

20. As per claim 2, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising calculating a delta between the restructured records and a stored set of restructured records (col. 8, lines 5-8).

21. As per claim 3, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising storing the restructured records by the remote device (col. 10, lines 8-14).

22. As per claim 4, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising evaluating at least one characteristic of the request for information to determine the type of information being requested (col.8, lines 37-45).

23. As per claim 5, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising writing the restructured records to a device response (col. 8, lines 5-18; col. 9, lines 37-50).

24. As per claims 6, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Ciccone further taught comprising:  
updating at least one value stored in a database using the restructured records (col. 4, lines 4-10).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Howell and Ciccone because Ciccone's method of updating at least one value using the restructured records would increase the user's alertness in Howell's system by providing updated status of the remote device in the database.

26. As per claims 7, 14 and 25, Howell and Ciccone taught the invention substantially as claimed in claims 6 and 12 above. Ciccone further taught comprising combining the restructured records received by the network operations center with at least one value stored in the database (col. 3, lines 49-col. 4, lines 10).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Howell and Ciccone for the same reason set forth in claim 6 above.

28. As per claims 8, 19 and 26, Howell and Ciccone taught the invention substantially as claimed in claims 1 and 12 above. Ciccone further taught comprising:

transmitting at least one check value (col. 7, lines 4-14); and

comparing at least one check value with at least one stored value (col. 4, lines 4-10; col. 12, lines 50-54).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Howell and Ciccone for the same reason set forth in claim 1 above.

30. As per claim 9, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising selecting the records from a DEX/UCS data block (col.4, lines 34-38; col. 7, lines 47-49).

31. As per claim 10, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught wherein transmitting is supported by a wireless network (fig. 2. col. 4, lines 51-63).

32. As per claim 11, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught wherein transmitting is supported by a wire-line network (fig. 2, col. 4, lines 51-63).

33. As per claim 13, Howell and Ciccone taught the invention substantially as claimed in claim 12 above. Howell further taught recreating the current state of the remote device at the network operations center (col. 8, lines 14-24).

34. As per claim 15, Howell and Ciccone taught the invention substantially as claimed in claim 12 above. Howell further taught comprising:

storing the current state of the remote device as the previous state of the remote device (col. 7, lines 53-col. 4, lines 13); and

storing the previous state of the remote device as a reference state for the remote device (col. 7, lines 53-col. 4, lines 13).

35. As per claim 16, Howell and Ciccone taught the invention substantially as claimed in claim 12 above. Howell further taught comprising selecting records from a data block at the remote device indicative of the current state of the remote device (col. 7, lines 51-56; col. 8, lines 37-45).

36. As per claim 17, Howell and Ciccone taught the invention substantially as claimed in claim 16 above. Howell further taught comprising restructuring the selected records based upon a template to establish the current state of the remote device (col. 8, lines 2-24).

37. As per claim 18, Howell and Ciccone taught the invention substantially as claimed in claims 12 above. Howell and Ciccone did not specifically detail the use of data compression to the calculated delta. However, Howell taught applying a data compression algorithm to files (col. 9, lines 14-17). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply a compression algorithm to the calculated delta because by doing so would increase the efficiency of Howell's and Ciccone's systems by reducing the amount of data for transmission through the network.

### **CONCLUSION**

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carter et al, U.S. Patent 5,418,945, disclosed a method of calculating a delta for updating a file database.

Defosse, U.S. Patent 6,457,038, disclosed a system for a remote device communicating with a network operations center.


39. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

42. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

  
ZARNI MAUNG  
PRIMARY EXAMINER